

State of Colorado



Bill Owens
Governor

DPA

Department of Personnel
& Administration

State Personnel Board

The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 764-1472
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AGENDA PUBLIC BOARD MEETING February 17, 2004

A public meeting of the State Personnel Board will be held on Tuesday, February 17, 2004, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by February 12, 2004.

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I. REQUESTS FOR RESIDENCY WAIVERS

A. February 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no initial decisions or other final orders of the Administrative Law Judge or the Director for review on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

A. Victor Meyers v. Department of Corrections, Trinidad Correctional Facility, State Personnel Board case number 2003G138.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's final grievance decision. On January 13, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- B. Richard Lewis v. Department of Law, Attorney General's Office, Enforcement Section, State Personnel Board case number 2003G141.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's denial of grievance. On January 21, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- C. Joe Glenn v. Department of Corrections, Buena Vista Correctional Facility, State Personnel Board case number 2004G018.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's decision to deny Complainant's request to engage in outside employment. On January 23, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Fayette Augillard v. Department Higher Education, Colorado Student Loan Program, State Personnel Board case number 2004B057.

On January 26, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's five-day suspension without pay of Complainant was not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

- B. Fayette Augillard v. Department of Higher Education, Colorado Student Loan Program, State Personnel Board case number 2003B231.

On February 5, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's abolishment of Complainant's position and subsequent layoff of Complainant were not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE JANUARY 20, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JANUARY 20, 2004 PUBLIC MEETING:

- A. Patricia Brockman v. Department of Corrections, Youthful Offender System, State Personnel Board case number 2004B006.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- B. Steven Y. Kim v. Department of Regulatory Agencies, Office of Information Technology, State Personnel Board case number 2004G003.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. James Quintana v. Department of Corrections, Buena Vista Correctional Complex, State Personnel Board case number 2004G010

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Web Site Statistics
- Order Affirmed in Rura v. Department of Higher Education, State Board of Agriculture, Colorado State University, State Personnel Board case number 2001G117, Court of Appeals No. 02CA1957
- Letter to Ken Allikian
- Statement of Basis, Specific Statutory Authority, and Purpose for the State Personnel Director's Adoption of Permanent Administrative Procedures and Proposed Procedures

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

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NEXT REGULARLY SCHEDULED BOARD MEETINGS
9:00 a.m.

<u>Date</u>	<u>Location</u>
March 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
April 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 18, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 15, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
July 20, 2004	Colorado Department of Natural Resources 1313 Sherman Street, Room 318 Denver, CO 80203
August 17, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
September 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 19, 2004	To be announced
November 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
December 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222